IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 8044 of 2005

Between:

A.V. S. Acharyulu , S/o. Retired Senior Lecturer,
H.No. 9-140-/1, Sridevi Colony, Indrapalem, Kakinada,
East Godavari. Dist.

..... PETITIONER

AND

1 State of Andhra Pradesh, Rep. by its Secretary ,Technical Education Department,
Secretariat, Hyderabad.
2 The Accountant General , Saifabad, Hyderabad . A.P.
3 The Commissioner & Director Of School Education, Hyderabad.
4 The Regional Joint Director Of School Education, Kakinada, East Godavari Dist.
5 The Principal , District Institute Of Education, and Training (DIET) Bommuru, Rajahmundry, East Godavari District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction declaring the impugned action of the Respondents in not releasing the withheld amount of Rs 74,732 from my pension benefits as per orders dated 3.9.2004 passed by this Hon,ble Court in W.P.No.15831/2004 even after the Executing court in EP 462/ 2004 has raised the attachment thereon, as illegal , arbitrary and violative of principles of the natural justice etc and consequently direct the Respondents to release the amount of Rs. 74,732 - forthwith together with interest accrued thereon if any and grant such other just and consequential relief or reliefs.

Counsel for the Petitioner:MR.N.V.ANANTHA KRISHNA

Counsel for the Respondent Nos.1 to 5: GP FOR SCHOOL EDUCATION

The Court at the admission stage made the following O R D E R:

This writ petition is filed questioning the action of the respondents in withholding the terminal benefits of the petitioner inspite of raising attachment by the civil Court.

This Court, in W.P.No.15831 of 2004, directed the fifth respondent to forward the pension papers of the petitioner to the Accountant General for fixing the pension and for release of the other terminal benefits. It further directed the fifth respondent to retain an amount of Rs.74,732/- pending further orders from the civil Court. By order dated 01.09.2004, the Executing Court raised the attachment over the retiremental benefits of the petitioner. The grievance of the petitioner is that inspite of repeated requests, respondents 2 and 4 refused to refund the withheld amount. Hence the writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for School Education.

Appropriate decision has to be taken by the respondents in accordance with law. Therefore, without entering into the merits of the case, the writ petition is disposed of directing the respondents to release the amount withheld by the respondents within a period of two months from the date of receipt of a copy of this order, if the petitioner is otherwise eligible. No order as to costs.

_____

(K.C.BHANU,J)

Dt:19th April, 2005

usd

To

1 The Secretary ,State of Andhra Pradesh, Technical Education Department, Secretariat, Hyderabad.
2 The Accountant General , Saifabad, Hyderabad . A.P.
3 The Commissioner & Director Of School Education, Hyderabad.
4 The Regional Joint Director Of School Education, Kakinada, East Godavari Dist.
5 The Principal , District Institute Of Education, and Training (DIET) Bommuru,

Rajahmundry, East Godavari District.

6 2 CD copies

7 1 CC to MR.ANANTHA KRISHNA

*Form-NIC-OGS/WP{**CTMP**}*